

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,		*
	Plaintiff,	*
-v-	11-cr-533	*
JEREMY ZIELINSKI,		*
	Defendant.	*

Transcript of Supervised Release Violation Hearing
regarding the above-referenced matter, held before the
Honorable Thomas J. McAvoy, Senior United States District
Court Judge, at the James T. Foley United States Courthouse,
445 Broadway, Albany, New York, on June 12, 2013.

APPEARANCES: OFFICE OF THE UNITED STATES ATTORNEY
445 Broadway
Albany, New York 12207
By: Robert A. Sharpe, A.U.S.A.

JEREMY ZIELINSKI, Pro Se

JAMES A. RESILA, ESQ.
Standby Counsel
20 Corporate Woods Boulevard
Albany, New York 12211

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1 COURT CLERK: United States of America
2 versus Jeremy Zielinski, 11-cr-533. Appearances for the
3 government, please.

4 MR. SHARPE: Robert Sharpe on behalf of
5 the United States, joined by Michael Patnaude of the
6 United States Probation Office. Good afternoon, Judge
7 McAvoy.

8 THE COURT: Good afternoon, Mr. Sharpe,
9 Mr. Patnaude.

10 MR. PATNAUDE: Good afternoon.

11 COURT CLERK: For the defendant, please.

12 THE DEFENDANT: Jeremy Zielinski, pro se.
13 Jim Resila.

14 MR. RESILA: I was -- I was asked to come
15 down for this.

16 THE COURT: Right. I asked him to come
17 down because you were part of this matter from the
18 beginning and I know Mr. Zielinski has expressed a desire
19 to represent himself, which the Court has granted. So,
20 what I'm asking you to do is to hang around and if he has
21 any questions that might help him as his representation
22 before me this in this procedure, he can be free to ask
23 you and you will be here in that capacity.

24 MR. RESILA: Yes, Judge. Thank you.

25 THE COURT: All right?

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1 MR. RESILA: Yes.

2 THE COURT: Now, Mr. Zielinski, you're
3 before the Court pursuant to a finding of this Court
4 adopting a report/recommendation that was filed by Judge
5 Peebles following a hearing with respect to the
6 circumstances surrounding your participation in a program
7 for mental health as ordered by the probation officer and
8 this Court and evidence was presented at that hearing and
9 the magistrate judge decided -- you don't have to stand
10 up if you don't want to, if you want to, you can --
11 magistrate decided that you had in fact failed to
12 participate appropriately in that program, and you were
13 discharged from that program by the healthcare providers
14 and that discharge formed the basis of the probation
15 office filing a violation of your conditions of
16 supervised release and that's -- I adopted that
17 report/recommendation in its entirety and you're here to
18 be sentenced on that violation.

19 Now, somebody indicated to me -- it might
20 have been the marshals service -- that you did not want
21 to go forward with sentencing today, that you wanted to
22 take some short period of time to examine documents and
23 perhaps gather thoughts or arguments that you might want
24 to present to me on what sentence would be appropriate
25 for the violation the Court has already found. Is that

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1 what is happening?

2 THE DEFENDANT: That's correct, your
3 Honor. I had -- I didn't anticipate being taken into
4 custody, being sentenced today. The Order said it would
5 be set at a later date so I planned on gathering some
6 information and present --

7 THE COURT: I'm not, I can't --

8 THE DEFENDANT: I had planned on gathering
9 some information, presenting it to the Court. I didn't
10 plan on being taken into custody and sentenced this
11 morning.

12 THE COURT: So you didn't anticipate that?

13 THE DEFENDANT: No.

14 THE COURT: Okay. So how long do you
15 think it would be appropriate for me to allow you to give
16 whatever documents you want to be examined, then?

17 THE DEFENDANT: I won't need more than a
18 few days, your Honor.

19 THE COURT: All right. Well, two days
20 will be -- that takes it up to Friday but I don't think
21 I'll be available Friday but probably next Thursday, that
22 will give you a little additional time. Is that all
23 right?

24 THE DEFENDANT: That would be fine, your
25 Honor.

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1 THE COURT: All right. Now, I want to
2 instruct the marshal service, whoever else is working
3 with you, to get whatever papers or documents you asked
4 for and we will get them to you so you will have time to
5 examine them and if you need additional documents, you
6 might want to contact Mr. Resila who will contact me or
7 contact my chambers directly based on what you want, we
8 will try to get it for you.

9 THE DEFENDANT: Okay. Your Honor --

10 THE COURT: How about the government's
11 position?

12 MR. SHARPE: That's acceptable to the
13 government, Judge. I think -- I didn't hear the date
14 that you were proposing.

15 THE COURT: I have it right here.
16 Thursday, whatever Thursday is next week. I guess it's
17 the --

18 MR. SHARPE: Thursday I've got a
19 proceeding with Judge D'Agostino at 10:00.

20 THE COURT: So why don't we make it 11:30.

21 MR. SHARPE: That would be fine, Judge.

22 THE COURT: 11:30? Okay.

23 MR. RESILA: Actually, I am -- I am in
24 Niagara Falls that day.

25 THE COURT: That whole day?

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1 MR. RESILA: 9:30 in the morning. I have
2 to be there for oral argument then --

3 THE COURT: What about the next day?

4 MR. RESILA: The next day I could be
5 available in the late morning throughout the rest of the
6 day.

7 THE COURT: All right. How about you?

8 MR. SHARPE: That's fine, Judge.

9 THE COURT: So we will make it Friday at
10 11:00. That's the 21st. Acceptable?

11 MR. RESILA: Yes, Judge.

12 MR. SHARPE: Yes, Judge.

13 THE COURT: So ordered. Anything further?

14 MR. SHARPE: No, thank you, Judge.

15 THE DEFENDANT: I would -- I would like to
16 ask, your Honor, I don't know how likely it is but I
17 would like to ask that maybe I could be given a few days
18 to organized my affairs on the outside and on GPS
19 surveillance or something. I did that before without any
20 issues. I had complied with the instructions to come
21 here even knowing that the Court had already -- I have a
22 lot of stuff going on. I work with the Attorney
23 General's office with my organization, I work with the
24 Department of Labor.

25 THE COURT: I understand. I've been

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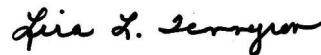
1 reading about the matters you've been involved in and
2 some of it sounds like very beneficial work and the Court
3 appreciates that. But the Court is looking to your past
4 history of flight from the Warren County matter when you
5 went to Florida, and I think at this point in time it's
6 better if you stay here and we will get to you next week
7 and see what happens at that period of time. So, your
8 application in that regard is denied. Court stands
9 adjourned.

10 (Whereupon, stenographic record concluded)

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14 C E R T I F I C A T I O N

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16 I, Lisa L. Tennyson, RMR, CSR, CRR, Official Court
17 Reporter in and for the United States District Court,
18 Northern District of New York, hereby certify that the
19 foregoing 6 pages of testimony taken by me to be a true
20 and complete computer-aided transcript to the best of my
21 ability.

22
23 

24 Lisa L. Tennyson, R.M.R., C.S.R., C.R.R.

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